

REMARKS

A Declaration under 37 CFR 131 accompanies this Amendment.

Status of the Claims: Claims 1 and 3-20 are pending. Claim 2 has been canceled. All of the claims now specify that the organically modified clay is a clay which has been modified with a dimethyl dihydrogenated tallow quaternary ammonium compound. Composite claims 1 and 3-9 now specify that the base resin is an ethylene homopolymer or ethylene copolymer with a C₃₋₈ α -olefin. Composite claims directed to ethylene copolymer base resins which contain functionality, such as EVA copolymers, are now limited to Claims 10-13. The amendment to concentrate claims 14 and 17 is at the suggestion of the Examiner as will be discussed under the heading which follows.

Allowable Subject Matter: The Examiner has indicated Claims 15, 16, 18-20 directed to concentrates are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants have accordingly amended Claims 14 and 17 from which the objected to claims depend to limit the organically modified clay to one which has been ion-exchanged and intercalated with a dimethyl dihydrogenated tallow quaternary ammonium compound. As a result of this amendment it is respectfully submitted that Claims 14-20 are in condition for allowance.

Claims 1-4, 6, 7 and 9 are rejected under 35 USC 102(a) and 35 USC 103(a) under Wang, et al.: Applicants have included herewith a Declaration under 37 CFR 131 swearing behind the publication date of the Wang, et al., publication. As a result, Applicants submit the Wang, et al., reference is not applicable and that the rejection of the claims as stated in paragraph 4 of the Office Action should be withdrawn. Applicants further note that this rejection is the only rejection in the Office Action of Claim 9 and, with the effective removal of the Wang et al., reference, there should be no further impediments to the allowance of Claim 9.

Claims 10-13 are rejected under 35 USC 102(b) and 35 USC 103(a) over Karande, et al.:

The compositions of Karande, et al., are foams. As such they necessarily contain a foaming

agent to expand the polymer and obtain the foam structure. As a result, the Karande, et al., disclosure cannot anticipate Applicants' EVA blends which are not foams and do not contain a blowing agent. Furthermore, Karandes, et al's., disclosure would not render Applicants' instantly claimed compositions obvious to one skilled in the art. Foam technology is a specialized art which has special requirements. In addition to requiring a foaming agent to generate the foam, the foam structure must be maintained for the effective life of the article. To accomplish this Karande, et al., react the functionality of their polymers. Note the high temperatures employed in their examples and the use of peroxides and coagents to promote the reaction to generate and maintain the foam structure. As a result, Applicants compositions would not be obvious to one skilled in the art from the Karande, et al., teachings and Applicants respectfully request reconsideration and withdrawal of the rejection.

Claims 1-5, 7 and 8 are rejected under 35 USC 102(b) and USC 103(a) over Karande, et al.: ✓

Amended on The reasons set forth in the preceding paragraph, namely that the compositions of Karande, et al., are foams, are also applicable here. Additionally, the polymers required by Karande, et al., are olefinic or styrene polymers having polar functionality. Applicants' compositions as described in Claims 1-5, 7 and 8 are not foams and, as amended, the base resin polymers do not contain any polar functionality. As a result, the Karande, et al., disclosure cannot anticipate Applicants' compositions. Furthermore, Karande, et al., would not render Applicants' instantly claimed compositions obvious to one skilled in the art since they are not foams and the base resin polymers do not contain functionality. Furthermore, Applicants compositions require an additional component, a compatibilizing agent, and the teachings of Karande, et al., are totally silent in this regard. For the foregoing reasons, Applicants composition would not be obvious from the Karande, et al., teachings and Applicants' respectfully request reconsideration and withdrawal of rejection.

Claim 10 is rejected under 35 USC 102(3) under Ross, et al.:

Ross, et al., compositions comprise a thermoplastic polymer and a clay which is ion-exchanged with a quaternary ammonium compound, which can include dimethyl dihydrogenated tallow quaternary ammonium. However, Ross, et al., also necessarily call for the presence of an anionic organic material in the ion-exchange reaction with the clay. Applicants' organically modified

clays have no such requirement and as such the Ross, et al., reference cannot anticipate Applicants' compositions as described in Claim 10. Applicants' respectfully request reconsideration and withdrawal of rejection.

Claims 11-13 are rejected under 35 USC 103(a) over Ross, et al., in view of Karande, et al.:

In the first place, Applicants submit that these references are not properly combinable in view of the fact that Karande, et al., is directed to foamed compositions containing a foaming or blowing agent whereas the Ross, et al., compositions are non-foamed composites. As previously discussed, a person skilled in the art would not consider teachings relating to foams with composites of the type disclosed by Ross, et al. Also, Ross, et al., necessarily calls for the presence of an anionic organic material with the quaternary ammonium compound for the ion exchange reaction with the clay whereas Karande, et al., has no such requirement. As a result Applicants claims 11-13 would not be rendered obvious to one skilled in the art and withdrawal of the rejection is requested.

Claims 1-5, 7 and 8 are rejected under 35 USC 102(b) and 35 USC 103(a) over Ross, et al.:

Ross, et al., call for the use of clays which are intercalated with a quaternary ammonium compound and an anionic organic material. Applicants organically modified clays have no such requirement and, therefore, cannot be anticipated by Ross, et al. This coupled with the fact that Ross, et al., do not utilize a compatibilizing agent would not render Applicants' claims obvious to one skilled in the art. Applicants respectfully request reconsideration and withdrawal of rejection. For the foregoing reasons, Applicants accordingly respectfully request reconsideration and withdrawal of the rejections.

Claim 14 is rejected under 35 USC 102(3) over Qian, et al., 6462122:

Claim 14 has been amended as previously discussed so that it now specifies that the organically modified clay is ion exchanged and intercalated with a dimethyl dihydrogenated tallow quaternary ammonium compound. Qian, et al., do not disclose dimethyl dihydrogenated tallow quaternary ammonium exchanged and intercalated clays and as such the reference cannot anticipate Applicants' composition as described in Claim 14. Reconsideration and withdrawal of the rejection are requested.

Claims 14 and 17 are rejected under 35 USC 102(e) over Qian, et al., 2001/0033924:

This reference does not disclose the use of a dimethyl dihydrogenated tallow quaternary ammonium ion exchanged and intercalated clays and, therefore, cannot anticipate the invention of Claims 14 and 17. Applicants respectfully request withdrawal of rejection.

In view of the foregoing, Applicants believe that the claims are in condition for allowance and accordingly respectfully request reconsideration and favorable action by the Examiner. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance the application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,


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U.S. Serial No. 10/027,742